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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,401	11/30/2004	Tsutomu Kadotani	T-1381	2834
802	7590	07/26/2007		
PATENTTM.US			EXAMINER	
P. O. BOX 82788			A, PHI DIEU TRAN	
PORTLAND, OR 97282-0788				
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			07/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/516,401	Applicant(s) KADOTANI ET AL	
	Examiner Phi D. A	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) 8-14, 33-45 and 52-57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 15-32 and 46-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/1/05; 6/14/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Applicant's election with traverse of invention I to claims 1-7, 15-32, 46-51 in the reply filed on 5/7/07 is acknowledged. The traversal is on the ground(s) that the searches and examination would be similar. This is not found persuasive because the method includes steps not required of the articles, and the search for the method steps would not be the same as the articles.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 8-14, 33-45, 52-57 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 5/7/07.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1- 2, 4-7, 15-20, 22-23, 25-28, 30-32, 46, 48-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belbeoc'h (6216403) in view of Kadotani et al (2002/0157333).

Belbeoc'h shows a tensioned end structure of a prestressed- concrete structure in which a grout can (14) that is installed over an anchorage in such a manner as to cover the whole anchorage is filled with a grout as a cement or non-cement anti-corrosive filler (mortar) for anti-

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corrosive protection of a tendon member and an anchoring device, the grout can is a cylindrical member, one end of which is closed, the cylinder having a ring-shaped rib (19) at an upper edge thereof, and a half cut hollow spherical portion at a bottom thereof., the structure has been formed into an uneven structure so that the easily adhereable to post-placed concrete and mortar, the grout cap is electrically insulating material.

Belbeoc'h does not disclose the grout can being made of a transparent material.

Belbeoc'h further discloses the can being made of a synthetic material.

Kadotani et al discloses the use of transparent plastic material for forming a grout can (2) to allow for the visual confirmation of grout filling the interior of the can, the material being polyethylene resin, a polypropylene resin, or an acrylic resin (paragraph 25).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Belbeoc'h's structure to show the grout can being made of a transparent material, the material being polyethylene resin, a polypropylene resin, or an acrylic resin as taught by Kadotani et al because having the can made of transparent material would allow for the visual confirmation of grout filling the interior of the can as taught by Kadotani et al.

Per claim 2, Belbeoc'h as modified further shows the grout can material is at least one selected from the group consisting of polyethylenes and polypropylenes.

5. Claims 3, 21, 24, 29, 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belbeoc'h (6216403) in view of Kadotani et al (2002/0157333) as applied to claim 1 above and further in view of Bissot (3823108).

Belbeoc'h as modified shows all the claimed limitations except for transparent material constituting the grout can consists essentially of an ionomer resin, wherein the ionomer resin is

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an a-olefin-a, B-unsaturated carboxylic acid copolymer having carboxyl groups neutralized with metal ions.

Bissot discloses the use of B-unsaturated carboxylic acid polymer.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Belbeoc'h's modifying structure because it enables the cover to become transparent and strong.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different tensioned end structure designs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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7/23/07